

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

MARGARET TURNER WHETSTONE,

Plaintiff,

v.

FRED'S INC., et al.

Defendants.

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CIVIL ACTION NUMBER:

3:05-cv-01171-MEF-SRW

ANSWER

COME NOW the Defendant, Fred's Stores of Tennessee, Inc., and respond to the Plaintiff's Complaint as follows:

FIRST DEFENSE

Plaintiff's Complaint fails to state a claim upon which relief can be granted.

SECOND DEFENSE

Defendant denies each and every material allegation of the Complaint and demands strict proof thereof.

THIRD DEFENSE

Defendant pleads contributory negligence.

FOURTH DEFENSE

Defendant pleads assumption of the risk.

FIFTH DEFENSE

Defendant contests damages.

SIXTH DEFENSE

Defendant pleads intervening, superseding cause.

SEVENTH DEFENSE

Defendant pleads improper venue.

EIGHTH DEFENSE

Defendant pleads open and obvious.

NINTH DEFENSE

The defendant pleads lack of subject matter jurisdiction.

TENTH DEFENSE

The defendant pleads lack of personal jurisdiction.

s/ Elizabeth Jackson
Elizabeth Jackson (JAC084)
Attorney for the defendant, Fred's Pharmacy

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that on December 19, 2005, I electronically filed the foregoing with the Clerk of Court using the CM/CEF system which I will send notification of such filing to all known counsel of record, including the foregoing.

Stewart G. Springer, Esq.
950 22nd Street North, Suite 638
Birmingham, Alabama 35203

s/ Elizabeth Jackson
OF COUNSEL